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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/024,564	12/21/2001	Jens Haulund	87264.2121	4968
21834	7590	02/17/2005	EXAMINER	
BECK AND TYSVER 2900 THOMAS AVENUE SOUTH SUITE 100 MINNEAPOLIS, MN 55416			HU, JINSONG	
			ART UNIT	PAPER NUMBER
			2154	

DATE MAILED: 02/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/024,564	Applicant(s) HAULUND ET AL.	
	Examiner Jinsong Hu	Art Unit 2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/12/02</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-22 are presented for the examination.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-4, 6 and 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berke (US 6,629,092).

4. As per claims 1 and 6, Berke teaches the invention substantially as claimed including a method for dynamic resource mapping (DRM) [col. 1, lines 5-12], comprising of receiving a DRM request for an application resource, including a process or data handler, from a user [Step 28, Fig. 3; col. 2, lines 38-45; col. 3, lines 23-25; col. 5, lines 44-51]; selecting a suitable DRM client from among plural registered DRM clients having the application resource to support the user request [Step 29, Fig. 3; col. 3, lines 7-12 & 26-58; col. 5, lines 52-58]; and providing an address corresponding to the application resource on the selected DRM client to the user [col. 5, lines 31-37; col. 5,

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line 66 – col. 6, line 4].

5. As per claim 2, Berke teaches the step of comprising accepting a DRM registration of a DRM supported client [Fig. 4; col. 3, lines 1-6].

6. As per claims 3 and 4, Berke teaches the step of accepting a DRM registration is accomplished with a DRM server [8, Fig.1; Fig. 4; col. 4, lines 41-52].

7. As per claims 16-18, since they are system claims of claims 1-2 and 6, they are rejected for the same basis as claims 1-2 and 6 above.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 7-8 and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berke (US 6,629,092) as applied to claims 1-4, 6 and 16-18 above, in view of "Official Notice".

10. As per claims 7-8 and 19-20, Berke teaches the invention substantially as

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claimed in claim 1. Berke does not specifically disclose selecting a resource based upon its processing speed. However, "Official Notice" is taken that both the concept and advantages of providing for selecting a resource based on its processing speed is well known and expected in the art. It would have been obvious to a person of ordinary skill in the art include speed determining step with Berke because it would increase the efficiency of entire system.

11. Claims 5, 9-15 and 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berke (US 6,629,092) as applied to claims 1-4, 6 and 16-18 above, in view of Smith et al. (US 6,088,732).

12. As per claims 5 and 9-12, Berke teaches the invention substantially as claimed in claim 1. Berke does not specifically teach the steps of polling by the DRM server to the application resource to obtain operability status and denying a request for the application resource based upon non-operability of the application resource. However, Smith on the other hand teaches the steps of polling by the DRM server to the application resource to obtain operability status and denying a request for the application resource based upon non-operability of the application resource [col. 3, lines 36-44; col. 6, lines 35-47]. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Berke and Smith because utilizing Smith's monitoring step in Berke's system would improve the throughput of the system by avoiding connecting to those unavailable application

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resources. One of ordinary skill in the art would have been motivated to modify Berke's system with Smith's determining step to make user's resource accessing procedure less time consuming.

13. As per claims 13-15, Berke teaches the invention substantially as claimed including a dynamic resource mapping (DRM) server component [col. 1, lines 5-12], comprising of a DRM protocol to allow a client to request an application resource by name and the DRM server to return a selected address of a client [Step 29, Fig. 3; col. 3, lines 7-12 & 26-58; col. 5, lines 52-58].

14. Berke does not specifically teach the selection is made based upon collected machine specific performance characteristics of the DRM client. However, Smith on the other hand teaches the selection is made based upon collected machine specific performance characteristics of the DRM client [col. 3, lines 36-44; col. 6, lines 35-47]. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Berke and Smith because utilizing Smith's monitoring step in Berke's system would improve the throughput of the system by avoiding connecting to those unavailable application resources. One of ordinary skill in the art would have been motivated to modify Berke's system with Smith's determining step to make user's resource accessing less time consuming.

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15. As per claims 21 and 22, since they are system claims of claims 9 and 10, they are rejected for same basis as claims 9 and 10 above.

Conclusion

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Guenthner et al. (US 6,134,588) discloses web accessing system;
Taylor et al. (US 6,310,949) discloses an intelligent communication;
Komuro (US 6,195,678) discloses a remote resource accessing system;
Schneider (US 6,338,082) discloses a network accessing system;
Esibov et al. (US 6,701,329) discloses a resource record managing system; and
Herrmann et al. (Pub. No. US 2001/0032259) discloses a device monitoring system.

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jinsong Hu whose telephone number is (571) 272-3965.

The examiner can normally be reached on 8:00 AM - 5:30 PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A. Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jinsong Hu

January 28, 2005


JOHN F. MANSBEE
SUPERVISOR, PATENT EXAMINER
TECHNOLOGY CENTER 2100